

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY WAYNE JOHNSON, JR.,)

Petitioner,)

v.)

ANTHONY HEDGPETH,)

Respondent.)

No. C 11-0495 LHK (PR)

ORDER GRANTING MOTION
FOR RECONSIDERATION;
GRANTING MOTION FOR
LEAVE TO PROCEED IN
FORMA PAUPERIS

Petitioner, a state prisoner proceeding *pro se*, filed an amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a disciplinary decision. On March 28, 2011, the Court denied Petitioner's motion for leave to proceed in forma pauperis ("IFP"), and directed Petitioner to pay the \$5.00 filing fee within thirty days or face dismissal of this action. On April 6, 2011, Petitioner filed a second motion for leave to proceed IFP. On May 23, 2011, the Court construed the motion as a motion to reconsider, and denied it because Petitioner did not demonstrate that he was unable to pay the filing fee.

On June 24, 2011, Petitioner filed another motion for reconsideration, stating that the reason his average deposits and average balance for the past six months was calculated to be approximately \$10.00 - \$15.00 was because he had received a \$100.00 settlement in December

2010, which he promptly spent. Petitioner avers that he cannot afford to pay the \$5.00 filing fee and requests reconsideration.

Based on Petitioner's motion, and his updated prison trust account statement, the Court GRANTS Petitioner's motion for reconsideration. Petitioner's motion for leave to proceed IFP is GRANTED.

IT IS SO ORDERED.

DATED: 7/24/11


LUCY H. KOH
United States District Judge